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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,864	05/19/2000	Toshio Inadate	09812.0571-00000	1674
22852	7590	09/25/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			TRAN, TONGOC	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/575,864		INADATE, TOSHIO	
	Examiner		Art Unit	
	Tongoc Tran		2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7,14-19 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7,14-19, 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on August 1, 2006 has been entered. Claims 1, 7, 14-19 and 21-28 have been amended. Claims 2-6 and 8-13 have been canceled. Claims 27 and 28 have been added. Claims 1, 7, 14-28 are pending.

Response to Arguments

2. In respect to Applicant's remark that the none of the cited prior art teaches a "searching means...[that] allows [a] second customer to search the non-binding request for an offer to sell goods submitted by [a] first customer". Examiner notes that all three reference cited teaches search engines to search for products or services available to be purchased for all interested buyers. The searching function searching for list of goods or services provided is cited references (e.g. see Ojha et al., Fig. 8, list of available product from sellers with asking price and col. 9, lines 19-35); Walker et al. [223], col. 6, lines 15-25). Whether the requested information is incorporated in the responded (shop's response to offer to sell) which is the product itself or the search is for the list of available product and price presented in the list would just a matter of

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designed choice. What would only be interested to the second buyer is the product and price information that the seller willing to sell. In other words, The first customer's initiated request for an offer to sell good only make sense for the second buyer if the first buyer's request has been responded by the shop with a submit to sell good (agree to sell at buyer's requested condition). Therefore, in light of this interpretation, the cited prior art met the claimed limitation.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7 and 13-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. Patent No. 5,794,207, ['207]) and Ojha et al. (U.S. Patent No. 6,598,026, hereinafter Ojha) in view of Walker et al. (U.S. 5,862,223, hereinafter Walker ['223]).

In respect to claim 1, Walker ['207] discloses an information processing apparatus connected to a plurality of information terminal by way of a network comprising:

Storing means for storing user information;

Authenticating means for authenticating a user (see col. 8, lines 64-col. 9, line 5, storing means-buyer database, authentication means – authenticates the buyer's identification);

Recording means for recording one or more non-binding request for an offer to sell goods transmitted by a first customer, the first customer authenticated by said authenticating means; (see col. 8, line 42-col. 9, line 16, recording means-buyer create conditional purchase offer, a description of the goods he wishes to obtain) ;

Supplying means for supplying a service list of requests recorded by said recording means to a one or more shops, the shops being authenticated by said authenticating means; (see col. 9, lines 10-16, supplying means for supplying a service list-a seller could log onto a website... see a listing of CPO subject categories);

Said recording means for recording submitted offers to sell goods, the submitted offers transmitted by the shops in response to the non-binding requests in said service list (see col. 9, lines 17-30 and lines 45-50, recording means recording service information transmitted by the second user-if, after viewing... the seller communicates his intend, col. 9, lines 17-18). Walker ['207] does not disclose the request from the buyer is non-bidding. However, Ojha discloses user submitting non-bidding bidding request for interested product (see col. 3, lines 22-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of non-bidding request taught by Ojha with Walker ['207]'s customer submitting bidding request in order that buyers would be getting the product they want for the price they

are willing to pay while sellers would be effecting a greater number of sales due to their ability to engage in price discrimination (see Walker ['207], col. 2, lines 10-25).

Walker ['207] does not disclose but Walker ['223] discloses searching means for submitted offers to sell goods, in response to a demand from the first customer; and transferring means for transferring, to the first customer, a submitted requests list of the non-binding requests transmitted by the first customer; wherein the searching means, in response to a demand from a second customer allows the second customer to search the non-binding request for an offer to sell goods submitted by the first customer.

In respect to claim 7, the claimed limitation is a method claim that is substantially similar to the apparatus claim 1. Therefore, claim 7 is rejected based on the similar rationale.

In respect to claim 13, Walker ['207], Ojha and Walker ['223] disclose the information processing apparatus according to claim 1, wherein the searching means allows a customer to search request information submitted by other customers (see Ojha, col. 4, lines 28-48).

In respect to claim 14, Walker ['207], Ojha and Walker ['223] disclose the information processing apparatus according to claim 1, wherein the second customer can purchase goods using non-binding requests for an offer to sell goods from the first customer (see Ojha, col. 4, lines 28-48).

In respect to claim 15, Walker ['207], Ojha and Walker ['223] disclose the information processing apparatus according to claim 1, wherein the user information includes a user ID, a password, and an electronic mail address (see Walker ['207], col. 13, lines 2-3).

In respect to claim 16, Walker ['207], Ojha and Walker disclose the information processing apparatus according to claim 1, wherein the authenticating means uses the user information stored in the storing means to authenticate the user (see Walker ['207], col. 13, lines 2-3).

In respect to claim 17, Walker ['207], Ojha and Walker ['223] disclose the information processing apparatus according to claim 1, wherein the submitted offers include direct link to web pages specified by the shops (see Ojha, col. 4, lines 15-27).

In respect to claim 18, Walker ['207], Ojha and Walker ['223] disclose the information processing apparatus according to claim 1, wherein the submitted request transferred to the first customer indicates the availability of submitted offers corresponding to the non-binding request (see Ojha, col. 4, lines 15-27).

In respect to claim 19, Walker ['207], Ojha, and Walker ['223] disclose the information processing apparatus according to claim 1, wherein the transferring means

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transfers the submitted request list to the first customer using electronic mail (see Ojha, col. 15, lines 16-20).

In respect to claims 21-26, the claimed limitations are method claims that are similar to apparatus claims 14-19. Therefore, claims 21-26 are rejected based on the similar rationale.

In respect to claims 27, Walker ['207], Ojha and Walker ['223] discloses the information processing apparatus according to claim 1, wherein the submitted offers indicate whether the corresponding shop has the goods in stock (see Ojha, Fig. 8, "In stock").

In respect to claim 28, discloses the method for processing information according to claim 7, wherein the submitted offers indicate whether the corresponding shop has the goods in stock (see Ojha, Fig. 8, "In stock").

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-Jacques can be reached on (571) 272-3962. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT

September 17, 2006



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